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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
EDUARDO LOPEZ HERNANDEZ,)
)
Defendant.)

No. CR 11-0626 EMC

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On September 28, 2011, the parties in this case appeared before the Court. At that time, the Court set the matter to November 30, 2011. The parties have agreed to exclude the period of time between September 28, 2011 and November 30, 2011, from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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STIPULATION & [PROPOSED] ORDER EXCLUDING TIME
CR 11-0626 EMC

1 At the hearing, the Court made findings consistent with this agreement.

2 SO STIPULATED:

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4 MELINDA HAAG
United States Attorney

5
6 DATED: October 24, 2011

7 /s/
LOWELL C. POWELL
Special Assistant United States Attorney

8
9 DATED: October 24, 2011

10 /s/
RONALD TYLER
Attorney for EDUARDO LOPEZ HERNANDEZ

[PROPOSED] ORDER

For the reasons stated above and at the September 28, 2011 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from September 28, 2011 through November 30, 2011 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 10/26/11

THE HONORABLE
United States District Judge

